

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA *et al.*  
*ex rel.* JULIE LONG,

Plaintiffs,

**V.**

JANSSEN BIOTECH, INC.,

Defendant.

Civil Action No. 16-CV-12182-FDS

**PLAINTIFF'S MOTION TO COMPEL DISCLOSURE OF ALL LEGAL OPINIONS AND  
ANALYSES RELATED TO THE LEGALITY OF THE INFUSION BUSINESS  
SUPPORT AND CONSULTATIVE SERVICES AT ISSUE**

Pursuant to Federal Rules of Civil Procedure 26(b) and 37(a), Plaintiff-relator Julie Long respectfully moves for an order compelling Defendant Janssen Biotech, Inc., to produce all legal advice, opinions, reviews, and analyses related to the lawfulness of providing the free infusion business support and consultative services (collectively, the “IOI Support”) at issue in this litigation. Janssen has waived any privilege with regard to these materials by placing them at issue through its assertion of affirmative defenses and its reliance upon legal advice that put into issue its actual knowledge and beliefs regarding the lawfulness of the IOI Support. In the alternative, Plaintiff requests that the Court enter an order prohibiting Janssen from presenting any legal analyses and opinions, including any legal opinions it received from its Promotional Review Committee, to support any defenses to Plaintiff’s claims.

For the reasons set forth in the accompanying Memorandum of Law in support of this motion, Plaintiff requests that this motion be granted.

## REQUEST FOR ORAL ARGUMENT

Plaintiff requests oral argument on this motion.

Dated: January 28, 2022

Respectfully submitted,

/s/ Theodore J. Leopold

Theodore J. Leopold (admitted pro hac vice)  
Leslie M. Kroeger (admitted pro hac vice)  
Diana L. Martin (admitted pro hac vice)  
Poorad Razavi (admitted pro hac vice)  
COHEN MILSTEIN SELLERS & TOLL PLLC  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
(561) 515-1400  
tleopold@cohenmilstein.com  
lkroeger@cohenmilstein.com  
dmartin@cohenmilstein.com  
prazavi@cohenmilstein.com

Casey M. Preston (admitted pro hac vice)  
Gary L. Azorsky (admitted pro hac vice)  
Jeanne A. Markey (admitted pro hac vice)  
COHEN MILSTEIN SELLERS & TOLL PLLC  
1717 Arch Street, Suite 3610  
Philadelphia, PA 19103  
(267) 479-5700  
cpreston@cohenmilstein.com  
gazorsky@cohenmilstein.com  
jmarkey@cohenmilstein.com

Jonathan Shapiro (BBO No. 454220)  
SHAPIRO & TEITELBAUM LLP  
90 Canal Street, Suite 120  
Boston, MA 02116  
(617) 742-5800  
jshapiro@jsmtlegal.com

***Counsel for Plaintiff-Relator Julie Long***

## LOCAL RULES 7.1 AND 37.1 CERTIFICATION

In accordance with Local Rules 7.1(a)(2) and 37.1(a), counsel for plaintiff Julie Long certify that they conferred with counsel for defendant Janssen Biotech, Inc., in a

good faith effort to resolve or narrow the issues presented in this motion but were unable to do so.

s/ Theodore J. Leopold  
THEODORE J. LEOPOLD, ESQ.

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 28, 2022, this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

s/ Theodore J. Leopold  
THEODORE J. LEOPOLD, ESQ.